

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

1 FEBRUARY 2005

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers T. Dianne Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

Prior to the beginning of this regular Council meeting, Councilmember Phillips moved to close the Special Meeting held earlier on this date. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

.....

The Manager recognized Joan Allen, employee in the Budget and Evaluation Department, who served as courier for the meeting.

.....

The Mayor explained the Council procedure for conduct of the meeting.

.....

Noting that retiring board and commission members had already received a congratulatory letter, certificate of appreciation and memento from the Governing Body, Mayor Holliday recognized the service of the following retirees: Marshall Tuck, Board of Adjustment; Patrick Deaton and Robert Lauver, Historic Preservation Commission; Sue Mengert, Human Relations Commission; Ben Bowers, Tourism Development Authority; Gloria Rankin, Commission on the Status of Women; and Maureen McDonnell and Janet Wright; Zoning Commission. None of the individuals being recognized were present at the meeting. Council expressed their appreciation to these individuals for their service in leadership roles on boards and commissions.

.....

Councilmember Johnson presented highlights of a Greensboro Housing Authority report with regard to the progress at Willow Oaks (Hope VI); i.e., rental and homeownership, low-income housing tax credit application, community/child development center, property acquisition, etc.; slides were shown to illustrate the transformation of the neighborhood and development. Noting that sources were available to cover a portion of the funding shortfall for this project, Councilmember Johnson moved that Council ask the Manager to review the funding deficit for Willow Oaks and bring back recommendations for additional available funding sources for Council's consideration. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

.....

Mayor Holliday introduced a resolution approving 2005 Legislative Program and requesting support there of by the Guilford County Delegation to the General Assembly.

The City Attorney reviewed portions of the proposed Program and responded to various Council inquiries about the proposal. After Councilmember Vaughan expressed his thoughts and personal opposition with respect to the portion of the proposed program addressing Tort Liability, brief discussion was held. Councilmember Vaughan moved that Council adopt the 2005 Legislative Program with the exception of Item #2 Tort Liability. The motion died for lack of a second.

After additional discussion with regard to the proposed program, Councilmember Phillips moved adoption of the 2005 Legislative Program. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Phillips. Noes: Vaughan.

20-05 RESOLUTION APPROVING 2005 LEGISLATIVE PROGRAM AND REQUESTING SUPPORT THEREOF BY THE GUILFORD COUNTY DELEGATION TO THE GENERAL ASSEMBLY

WHEREAS, the purpose of the legislative program is to seek additional authority where needed, to maintain a current and accurate City Charter, and to implement all affairs and government of the City;

WHEREAS, pursuant thereto, the City Council has reviewed the legislative needs of the City of Greensboro, and, after careful deliberation, has recommended matters which are attached hereto.

WHEREAS, the City Council is of the opinion that the support by the 2005 General Assembly of the specific legislative matters, as hereinabove referred to, is vital to the welfare and good government of the citizens of Greensboro.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the legislative program, as hereinabove set out, is hereby approved, and the Guilford County Legislative Delegation is hereby urged to support the City's position on statewide issues and to seek the adoption of the local bills in the 2005 Session of the General Assembly of North Carolina.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-7 Residential Single Family to Conditional District—RM-26 Residential Multifamily for property located on the west side of Aycock Street and east side of Fuller Street between Holbrook Street and Hertford Street. He noted this matter was being heard after receiving a vote of 5-3 with one recusal to recommend the proposed rezoning and was continued from the January 4, 2005 City Council meeting.

Richard "Dick" Hails, Planning Department Director, used a map and photographs to illustrate the subject property and surrounding area. He reviewed the proposed conditions, summarized the request and stated that the Zoning Commission recommended approval of the request.

The Mayor asked if anyone wished to be heard.

The following individuals spoke in favor of the rezoning request.

Eileen Johnson, owner of the property proposed for rezoning, stated she believed the proposed development was the best use of the property and would be good for the neighborhood; she spoke to numerous meetings between the developer and neighborhood representatives and requested that Council approve request.

Portia King, adjoining property owner, stated he believed the proposed development would be an asset to the community.

Frank Auman, owner/partner with Seth Coker of Signature Properties Group, spoke to the quality development by this company in Greensboro, spoke to the proposed development to provide housing for students. Speaking to the work with the neighborhood representatives and expressing concern that a mutual agreement wasn't forthcoming, Mr. Auman advised company representatives were not invited to a meeting of neighborhood representatives.

Seth Coker, residing on Dundas Street, requested Council to amend the proposed rezoning request to add the following conditions: #8 No trash dumpster will be within 50' of the property line for the lot at Tax Map 109, Block 3, Lot 11 and #9 A minimum 6-foot high opaque wood fence will run the length of the property line for the lot at Tax Map 109, Block 3, Lot 11. Councilmember Vaughan moved to add the conditions as requested by Mr. Coker. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Coker reviewed what he believed to be the proposed modest-density, high quality development, used a map and photographs to illustrate the neighborhood, spoke to numerous meetings and phone calls with neighborhood representatives which had resulted in ongoing requests for additional changes to the proposal, stated he believed the development would not negatively impact area traffic, and stated that the neighborhood would not support the rezoning request.

.....

Councilmember Johnson left the meeting at 6:45 p.m. during Mr. Coker's presentation

.....

The following individuals spoke in opposition to the proposed rezoning.

Alice Ashton, residing at 1010 South Aycock Street and representing the Glenwood Neighborhood Association, stated she was not opposed to appropriate development but believed the proposed apartments were inappropriate for the neighborhood. She spoke to comprehensive plan recommendations for the area, redevelopment activity in portions of the neighborhood and offered her thoughts with respect to a vision for development.

Bulent Bediz, residing at 808 Lexington Avenue, stated he was not opposed to positive, well-planned development, stated that he did not believe the neighborhood had been given sufficient time to study this proposal, advised that the neighborhood needed a comprehensive neighborhood plan, offered his objections to the design of the site and stated the proposal was not satisfactory. He requested Council to continue the request to enable the study, review and development of a satisfactory proposal. In response to inquiries about his rental properties, he spoke to his renovation efforts to prepare his properties for rent.

Jeffrey Hatcher, residing at 1306 Oak Street and representing the neighborhood association, expressed his opinion that the scale of the proposed development was not appropriate for the neighborhood. He spoke to homes in the neighborhood, offered personal thoughts for area renovation and development, expressed opposition to development that would negatively impact the historic value of the area, stated he believed that Aycock was a gateway to the Glenwood neighborhood and requested Council to deny the rezoning until the developer met the needs of the greater Glenwood community.

Elizabeth Keathley, residing at 1117 Lexington Avenue, stated she believed the character of the neighborhood should be preserved and that the proposed development was not consistent with the character of the neighborhood and would not compliment the area. Ms. Keathley detailed the history of the neighborhood, noted ongoing difficulties in the area with buildings in disrepair and criminal activity, spoke in support of the development of a neighborhood plan, and requested Council to allow several weeks for a vision plan to be developed.

A. Sameh El Kharbawy, consultant/professor at UNCG, stated that he had been asked to advise the neighborhood association regarding the formulation of a comprehensive plan for Glenwood. He spoke to the advantages to creating a plan to determine a vision for the neighborhood that would address neighborhood needs and remain sensitive to development needs. Mr. Kharbawy did not speak in opposition to the request.

Beverly Yarner, residing at 1718 Grove Street, expressed concern with regard to changes that the proposed development might bring, particularly that the existing problem with traffic in the area might be increased.

Speaking in rebuttal in favor of the rezoning, Mr. Coker noted that this proposal involved private investment in this development, stated the developer had worked to address neighborhood concerns and would continue to work with neighborhood representatives, and stated he believed the proposed development was compatible with the neighborhood.

Speaking in rebuttal in opposition to the rezoning, Ms. Ashton questioned the proposed rezoning of portions of area properties and the lack of trees in the proposal; she spoke in opposition to the design of the project. Ms. Keathley also expressed concern with regard to the lack of trees in the proposal and reiterated her earlier opposition to the rezoning request.

Mr. Beliz requested Council to continue this request or rule that the developer must work with the neighborhood to develop common ground that would be in the best interest of the neighborhood

Councilmember Burroughs-White moved to close the public hearing. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Mr. Hails spoke to the difficult issues involved with this rezoning request, offered information with respect to the history of the area and existing zonings/land uses, noted applicable comprehensive plan recommendations and policies for the area, and stated that the Planning Department staff supported the rezoning request.

.....

At the Mayor's request, Councilmember Burroughs-White moved to excuse Councilmember Johnson who had left the meeting during the above discussion. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

.....

Council discussed various opinions with regard to the proposed zoning; i.e., the benefit of the development to the community, the feasibility of installing sidewalks in the area, applicable ordinance requirements for the proposed development, the fact that the proposed development would provide a buffer and transition for this area, etc. Councilmember Vaughan expressed his opinion that the proposed rezoning would change the character of the neighborhood. Mr. Westmoreland responded to Council inquiries that the proposed development would not negatively impact traffic problems in the area.

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Perkins and Phillips. Noes: Vaughan.

#### 05-14 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF AYCOCK STREET AND EAST SIDE OF FULLER STREET BETWEEN HOLBROOK STREET AND HERTFORD STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-7 Residential Single Family to Conditional District – RM-26 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the western right-of-way line of South Aycock Street, said point being in the northern line of a 12-foot alley adjacent to Portia D. Sharpe King (Tax Map 109, Block 6, Lot 1); thence along said northern line N85°09'59"W 246.67 feet to a point; thence leaving said 12-foot alley N07°27'37"E 75.12 feet to a point; thence N83°49'32"W 6.55 feet to a point; thence N04°38'17"E 68.45 feet to a point; thence N85°12'35"W 318.64 feet

to a point; thence N03°27'43"E 147.38 feet to a point; thence S84°36'08"E 314.58 feet to a point, said point being the southeast corner of Memory Corporation as recorded in Deed Book 3716, Page 561 in the Office of the Guilford County Register of Deeds; thence N02°49'31"E 60.00 feet to a point; thence S85°39'22"E 129.56 feet to a point; thence S01°44'29"W 72.95 feet to a point; thence N88°15'13"W 57.00 feet to a point; thence S01°44'29"W 65.68 feet to a point; thence S87°48'04"E 57.00 feet to a point; thence S01°44'29"W 66.18 feet to a point; thence S85°12'35"E 113.16 feet to a point in the western right-of-way line of South Aycock Street; thence along said right-of-way line S02°14'47"W 143.98 feet to the point and place of BEGINNING, as shown on "Rezoning Exhibit – Property of Joseph Rupert Johnson" prepared by CPT Engineering and Surveying, Inc. and dated November 9, 2004.

Section 2. That the rezoning of RS-7 Residential Single Family to Conditional District – RM-26 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Residential uses and accessory uses and structures.
- 2) Property will be limited to 36 3-bedroom apartments.
- 3) All buildings shall be of masonry construction with possible wood or vinyl gables & trim.
- 4) All buildings shall be limited to 3 stories in height.
- 5) A building will be placed on the portion of the property fronting Aycock Street, with a front yard setback equivalent to the existing single family dwellings to the north, with no parking permitted in front of said building.
- 6) Sidewalks meeting City of Greensboro standards will be constructed by developer along the frontage of the property along Aycock and Fuller Streets.
- 7) The façade of the building fronting Aycock Street shall have a clearly defined and highly visible entryway utilizing elements such as a portico or canopy, raised or peaked cornice parapets, overhangs, arches, or similar architectural detailing.
- 8) No trash dumpster will be within 50' of the property line for the lot at Tax Map 109, Block 3, Lot 11.
- 9) A minimum 6-foot high opaque wood fence will run the length of the property line for the lot at Tax Map 109, Block 3, Lot 11.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on adoption.

(Signed) Florence F. Gatten

.....

The Mayor declared a recess at 7:54 p.m.

The meeting reconvened at 8:11 p.m. with all members of Council present except Councilmember Johnson who was excused earlier in the meeting.

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—29.651 acres at 6011 and 6015 High Point Road. He thereupon introduced so these matters could be discussed together an ordinance establishing original zoning from County Zoning RS-40 Residential Single Family and Shopping Center to City Zoning Conditional District—RM-5 Residential Multifamily for property located on the east side of High Point Road south of Scotland Road and west of Sprucewood Drive.

Councilmember Perkins requested that Council excuse him from voting on these matters due to conflict of interest. Councilmember Vaughan moved to excuse Councilmember Perkins; the motion was seconded by Councilmember Carmany and adopted by voice vote of Council.

Mr. Hails reviewed the rezoning request and conditions in the proposal, used maps and photographs to illustrate the property and surrounding area, and stated the Zoning Commission recommended approval of the rezoning request.

Judy Stalden, residing at 1012 Wellington Street, High Point, NC, spoke in favor of the annexation and zoning. She stated she was a consultant to the developer and detailed the cooperative efforts among the developer, neighborhood representatives and the City to prepare the proposal being considered by Council at this time. She offered a petition purportedly signed by neighborhood residents in support of the development. (A copy of the petition is filed in Exhibit Drawer P, Exhibit Number 3, which is hereby referred to and made a part of these minutes.)

Speaking in favor of the annexation and zoning, Mike Lundreth, residing at 2115 Spricewood Drive, noted the developer's efforts to address neighborhood issues, offered his opinion that the proposal would solve problems involved with the property and stated he believed the proposed development would be a positive addition to the neighborhood.

Belvin Smith, residing at 4106 Bramblegate Drive and president of the Sedgefield Homeowners Association, stated he believed the proposed development was ideal for the property and recommended Council's approval.

No one spoke in opposition to the annexation and zoning.

Councilmember Phillips moved to close the public hearing on the two items. The motion was seconded by Councilmember Bellamy-Small and adopted by voice vote of Council.

Mr. Hails stated the future land use map supported diversity in this area, noted that conditions had been added to the proposal to ensure compliance and advised that Planning Department staff recommended approval.

Councilmember Bellamy-Small moved adoption of the ordinance annexing territory to the corporate limits (29.651 acres at 6011 and 6015 High Point Road). The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Phillips and Vaughan. Noes: None, with Councilmember Perkins voting in absentia as provided for by law.

05-15 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (29.651 ACRES AT 6011 AND 6015 HIGH POINT ROAD)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the southeast right-of-way line of High Point Road, said point being the southwest corner of the Coventry Partnership and Jamestown Centre Associates; thence N 59°-04'-31" W approximately 100 feet to a point on the northwest right-of-way line of High Point Road; thence with in a northeasterly direction with said right-of-way line of High Point Road N 29°-18'-45" E 1,122.36 feet to a point; thence in a southeasterly direction, crossing High Point Road, approximately 100 feet to the intersection of the southeast right-of-way line of said road and the southern line of the Sedgefield Baptist Church; thence with the southern line of the Sedgefield Baptist Church S 85°-40'-32" E 445.68 feet to a point in the western line of the Gertrude H. Macon property; thence with the western line of said Macon property N 00°-53'-53" E 92.95 feet to a point; thence with a new line N 65°-15'-39" E 450.72 feet to a point on the southwest right-of-way line of Sprucewood Drive; thence with said right-of-way line S 26°-46'-40" E 50.03 feet to a point; thence with a new line S 65°-15'-39" W 293.52 feet to a point; thence with a new line along an arc to the left with a radius of 125.00 feet, an arc length of 96.09 feet, being subtended by a chord bearing of S 43°-14'-22" W and a chord distance of 93.74 feet to a point; thence with a new line S 19°-47'-59" E 138.60 feet to a point; thence with a new line N 70°-12'-01" E 179.04 feet to a point at the southeast corner of the Franklin W. Landreth property; thence with the western line of the Edward H. Adams property, then the Thomas W. Allred and Amy P. Allred property, then the Robert G. Kennerly and Sue M. Kennerly property, then the William V. Gibson property six (6) calls as follows: S 03°-57'-13" W 181.44 feet to a point; S 03°-56'-10" W 181.23 feet to a point; S 03°-57'-41" W 181.52 feet to a point; S

03°-38'-23" W 89.79 feet to a point; S 02°-49'-13" W 13.62 feet to a point; S 03°-53'-59" W 124.54 feet to a point at the southwest corner of the William V. Gibson property; thence with the northern line of the Sedgefield, Sec. 11 Association N 81°-15'-20" W 94.43 feet to a point; thence with the western line of the Sedgefield, Sec. 11 Association S 29°-20'-00" W 741.10 feet; thence N 59°-04'-31" W 936.10 feet to the Point and Place of Beginning and containing 29.651 acres more or less, of which approximately 28.105 acres lies outside of street right-of-way.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2005, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2005.

(Signed) T. Dianne Bellamy-Small

.....

Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning from County Zoning RS-40 Residential Single Family and Shopping Center to City Zoning Conditional District – RM-5 Residential Multifamily for property located on the east side of High Point Road south of Scotland Road and west of Sprucewood Drive. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Phillips and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

#### 05-16 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF HIGH POINT ROAD SOUTH OF SCOTLAND ROAD AND WEST OF SPRUCEWOOD DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family and Shopping Center to City Zoning Conditional District – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

Beginning at a point in the southeast right-of-way line of High Point Road, said point being the southwest corner of the Coventry Partnership and Jamestown Centre Associates; thence N 59°-04'-31" W approximately 100 feet to a point on the northwest right-of-way line of High Point Road; thence with in a northeasterly direction with said right-of-way line of High Point Road N 29°-18'-45" E 1,122.36 feet to a point; thence in a southeasterly direction, crossing High Point Road, approximately 100 feet to the intersection of the southeast right-of-way line of said road and the southern line of the Sedgefield Baptist Church; thence with the southern line of the Sedgefield Baptist Church S 85°-40'-32" E 445.68 feet to a point in the western line of the Gertrude H. Macon property; thence with the western line

of said Macon property N 00°-53'53" E 92.95 feet to a point; thence with a new line N 65°-15'39" E 450.72 feet to a point on the southwest right-of-way line of Sprucewood Drive; thence with said right-of-way line S 26°-46'-40" E 50.03 feet to a point; thence with a new line S 65°-15'39" W 293.52 feet to a point; thence with a new line along an arc to the left with a radius of 125.00 feet, an arc length of 96.09 feet, being subtended by a chord bearing of S 43°-14'22" W and a chord distance of 93.74 feet to a point; thence with a new line S 19°-47'-59" E 138.60 feet to a point; thence with a new line N 70°-12'-01" E 179.04 feet to a point at the southeast corner of the Franklin W. Landreth property; thence with the western line of the Edward H. Adams property, then the Thomas W. Allred and Amy P. Allred property, then the Robert G. Kennerly and Sue M. Kennerly property, then the William V. Gibson property six (6) calls as follows: S 03°-57'-13" W 181.44 feet to a point; S 03°-56'-10" W 181.23 feet to a point; S 03°-57'-41" W 181.52 feet to a point; S 03°-38'-23" W 89.79 feet to a point; S 02°-49'-13" W 13.62 feet to a point; S 03°-53'-59" W 124.54 feet to a point at the southwest corner of the William V. Gibson property; thence with the northern line of the Sedgfield, Sec. 11 Association N 81°-15'-20" W 94.43 feet to a point; thence with the western line of the Sedgfield, Sec. 11 Association S 29°-20'-00" W 741.10 feet; thence N 59°-04'-31" W 936.10 feet to the Point and Place of Beginning and containing 29.651 acres more or less, of which approximately 28.105 acres lies outside of street right-of-way.

Section 2. That the original zoning to Conditional District – RM-5 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Only town home and twin home dwellings for individual ownership and their customary accessory uses shall be permitted.
- 2) The maximum number of residential dwellings shall be 104 units comprised of 16 duplex units (8 buildings) and 88 quad units (22 buildings).
- 3) The number of units in a single town home building will be limited to a maximum of 4 units.
- 4) Buildings shall be single story. Twin homes will have walk-out basements.
- 5) All buildings shall have a main roof line pitch of 5:12 or greater.
- 6) Each unit will have a two-car garage. Guest parking shall be designed for each individual unit. There will be no centralized parking bays or lots except for parking required for the clubhouse.
- 7) Exterior building materials shall consist of or be a combination of cultured stone, brick, Hardie board (or equal material), and stucco. Use of vinyl siding shall be limited to soffits, fascia and trim.
- 8) All exterior common area and private street lighting shall be directed downward and shall be low profile decorative lighting.
- 9) There shall be no trash compactor and no dumpster located on the property other than for the purpose of collecting and removing construction debris, unless required by the local jurisdiction.
- 10) A minimum 30-foot wide landscaped buffer will be maintained along the eastern boundary of the property. The buffer shall consist of one or more of the following: existing vegetation, staggered double row of Leyland Cypress, three to four foot earthen berm and supplemental plantings.
- 11) The private access to Sprucewood Drive shall be a maximum of 24 feet in width.
- 12) No construction traffic shall be permitted to use the private access to Sprucewood Drive.
- 13) The culvert necessary for the private access to Sprucewood Drive to cross the perennial creek on the northern portion of the property shall be designed to resemble a bridge.
- 14) Landscaping shall be installed on both sides of the private access where that access is adjacent to Guilford County tax parcels 682-887-49 and 52. Such landscaping shall consist of two rows of Leyland Cypress or comparable evergreen trees planted 10 feet apart (i.e. from tree to tree and row to row) and offset/staggered from row to row in order to provide a solid visual barrier. These trees shall have a minimum height of 4 feet-specimen quality at the time of installation. Installation shall be upon completion of private access construction, but no later than twelve months after private access construction if initiated.
- 15) Lighting along the private access shall be directed downward and shall be low profile decorative lighting to coordinate with lighting within the development.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.



Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Claudette Burroughs-White

.....

The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—145.7 acres between Young’s Mill Road and McConnell Road. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District—RS-12 Residential Single Family for property located at the southeast quadrant of Interstate 4085 and Youngs Mill Road, an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional District-Light Industrial for property located on the south side of Interstate 40/85 between Youngs Mill Road and McConnell Road, and an ordinance establishing original zoning classification from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District-Highway Business for property located at the northwest quadrant of McConnell Road and Hooting Hollow Road.

Mr. Hails reviewed the annexation and zoning requests; he used maps and photographs to illustrate the property and surrounding areas. Stating the Planning Board had recommended in favor of the annexation, he advised the Zoning Commission had recommended in favor of Item #10 and had opposed Items 11 and 12.

Charlie Melvin, attorney representing the owners of the property, spoke in favor of the annexation and zoning, detailed the complexity of the property being discussed, reviewed efforts to develop a plan for the best use of this large tract of property, reiterated the need to develop “ready-to-go” corporate park/industrial property in this area of the City which was important for economic development. Providing a brief history of the property, Mr. Melvin spoke to work with neighbors to address the questions and concerns of the communities; he advised that additional conditions were being proposed to address those concerns.

In response to Mr. Melvin’s request that Council consider amending the CD-LI request (Item #11) to revise the conditions contained in the proposed ordinance, Councilmember Phillips moved that Council eliminate Condition #1 regarding permitted uses, delete the portion of Condition #3 which reads “except that one existing billboard presently located on the property can be retained” and add additional conditions offered by Mr. Melvin. The motion was seconded by Councilmember Gatten and adopted by voice vote of Council. The proposed conditions for the CD-LI request (Item #11), as amended, are as follows:

- 1) All those uses permitted in the Corporate Park District will be permitted except:
  - Manufacturing and Industrial Uses:
    - Drugs
    - Electrical Components
    - Electrical Equipment
    - Food and Related Products, Miscellaneous
    - Furniture and Fixtures Assembly
    - Lighting and Wiring
  - Residential Uses:
    - Shelters, Emergency
  - Accessory Uses and Structures:
    - Recycling Collections Point
  - Other Uses:
    - Automotive Parking
    - Christmas Tree Sales
    - Temporary Construction Offices, Construction Equipment Storage, Real Estate Sales or Rental Offices (the foregoing will be permitted with concurrent building permit for permanent building)
    - Temporary Events, including but not limited to: Arts and Crafts Shows, Carnivals and Fairs, Concerts, Stage Shows, Conventions, Trade Shows, Outdoor Religious Events

Other Accessory Uses and Structures:

Junked Motor Vehicles

Transportation, Warehouse and Utilities:

Land Clearing and Inert Debris Landfills, Minor

- 2) Any outside storage shall be screened from view from any public roads or residential areas.
- 3) That within 800 feet from the southern margin of Interstate 85-40, all of the requirements of the Scenic Corridor Overlay District II shall be met.
- 4) There will be no connector road between Land Road and Southall Road.
- 5) There will be no access to Land Road from the CD-LI District.
- 6) Traffic into the CD-LI District will be by a main road off McConnell Road. Hooting Hollow Road will be used only as needed to service the lots that front that road.
- 7) A landscaped, planted berm, having an average height of five feet (5') will be incorporated into the planting yard along Land Road.
- 8) At the end of Southall Road there will be a natural and undisturbed buffer, approximately 300 feet (300') wide, starting at the property line at Southall and Castilian Way to the creek and 100 feet (100') on the other side of the creek.
- 9) The property owner will cause the existing billboard to be removed without cost to the City prior to the granting of a certificate of occupancy for the first building on the property.

In response to Mr. Melvin's request that Council consider amending the CB-HB request (Item #12) to revise the conditions contained in the proposed ordinance, Councilmember Phillips moved to keep Condition #6 with respect to plantings and add the additional new conditions as provided by Mr. Melvin. The motion was seconded by Councilmember Gatten and adopted by voice vote of Council. The proposed conditions for the CB-HB request (Item #12), as amended, are as follows:

- 1) Uses: All those uses permitted in the Highway Business District except the following:

Junked Motor Vehicles

Land Clearing and Inert Debris Landfills, Minor

Bars

*Recreational Uses:*

- Billiard Parlors
- Bingo Games
- Clubs or Lodges
- Coin Operated Amusements
- Fortune Tellers, Astrologers
- Go-Cart Raceways

*Business, Professional & Personal Services:*

- Automobile Rental or Leasing
- Automobile Parking (Commercial)
- Laundromats, Coin-Operated
- Truck Driving School
- Truck & Utility Trailer Rental & Leasing, Light

*Retail Trade:*

- ABC Stores (Liquor)
- Boat Sales

*Transportation, Warehousing and Utilities:*

- Bus Terminals
- Communication or Broadcasting Facilities
- Taxi Terminals

*Other Uses:*

- Sexually Oriented Businesses
- 2) The maximum square footage of any single commercial use shall be 60,000.
- 3) Commercial uses shall be local serving (e.g. grocery stores, dry cleaners, restaurants, hotels, motels, gas station/convenience stores, personal services, and similar local serving uses). Uses that involve outdoor storage of vehicles, equipment or materials shall not be allowed.
- 4) Buildings shall be constructed substantially of brick, glass, wood, stucco or stone. Cinderblock and metal sided buildings shall not be permitted.
- 5) Developer will use variation, articulation, fenestration or signature architectural elements at a minimum of 50-foot intervals on building facades to help create the appearance of a local serving commercial development.
- 6) The property will be developed with at least one of the following: (a) The street planting yard shall be a minimum of 16' wide – additional planting rate; or (b) Entryways shall be provided consisting of a combination of signage, landscaping and/or architectural embellishments that match an architectural feature or building material of buildings; or (c) As an Integrated Multiple Use Development.

Mr. Melvin reiterated the need for “ready-to-go” property served by City water and sewer, spoke to the challenges to develop the property, spoke to the work with neighborhood representatives to address concerns, and stated he believed this would provide a valuable attraction to this area of the City.

.....

Councilmember Johnson reentered the meeting at 8:55 p.m.

.....

Gary Hill, vice president of K. Hovanian Homes, 2706 North Church Street, formerly Westminster Homes, spoke to the work of the company, used a map to illustrate the property, reviewed the proposed development and requested Council to approve the requests.

.....

After brief discussion, Councilmember Vaughan moved to allow Councilmember Johnson back into the meeting. The motion was seconded by Councilmember Bellamy-Small and adopted by voice vote of Council.

.....

The following individuals spoke in opposition to the annexation and zoning.

Doug Anderson, residing at 4724 Land Road, offered thoughts with respect to actions by the Planning Department prior to consideration by the Zoning Commission, stated he believed the property should be zoned as corporate park and noted that in his opinion this annexation and zonings would create problems for the surrounding area.

Joseph Daniels, residing at 4605 Southall Drive, spoke to petitions purportedly signed by residents in opposition and stated he believed the proposal would have a negative impact, particularly noise pollution, for the neighborhood.

Dean Driver, residing at 4701 Land Road, stated that most of his neighborhood’s concerns had been addressed by the development representatives. He stated that he was in opposition because it was his understanding that the sewer system would come through his property, and he wanted to maintain his property in the current natural condition.

Stating that he was neither in favor nor opposed to the requests, Peter Palmer, residing at 1606 Hooting Hollow Road, advised he was opposed to industrial zoning and didn’t want groundwater and air pollution; he commended the

developer's efforts to address neighborhood concerns and for the conditions contained in the proposed ordinance that offered a corporate environment for the property.

Speaking in rebuttal in favor, Mr. Melvin reiterated the significant amount of work that was involved with this large, complicated project; he used maps to illustrate the properties in the area, stated that Land Road would not be extended, advised the City water quality ordinance would ensure compliance, and stated that he believed the economic development community would agree that there was a need for this kind of coordinated plan with various uses.

Speaking in rebuttal in opposition, Tony Courtney, residing on Hooting Hollow Road, offered his thoughts with regard to the proposals, access to the property, the amount of buffer provided, etc. He questioned why corporate park zoning was not requested.

Councilmember Gatten moved to close the public hearing on the annexation and zoning items. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Reviewing the proposal, Mr. Hails offered detailed information about various aspects of the property and the requested zonings and proposed land uses for this large tract of property in the eastern area near Interstate 85. He spoke to the desire to maintain a balance for land use in the area, reviewed applicable comprehensive plan recommendations for the area and stated that staff supported the requests.

Council discussion was held with regard to the provision of fire protection services for the area, the requirement for buffer areas on Land Road; and concerns with regard to the condition of the roadway system in the area, particularly the Youngs Mill Road/Perth Place intersection.

In response to Council inquiries, Paul Brooks, Greensboro Fire Department representative, spoke to the manner in which fire services would be provided for this area.

In response to Council inquiries, Mr. Westmoreland stated his department had notified NCDOT of Council's concerns with regard to the area of the Youngs Mill Road/Perth Place intersection and requested that this problem site be revisited to determine whether improvements or signalization were needed. After discussion, the Mayor requested that a resolution requesting NCDOT to revisit this problem area to determine if additional improvements or signalization could be implemented.

Councilmember Gatten moved adoption of the ordinance annexing territory to the corporate limits (145.7 acres between Young's Mill Road and McConnell Road—145.7 acres). The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan.

05-17 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (145.7 ACRES BETWEEN YOUNG'S MILL ROAD AND McCONNELL ROAD – 145.7 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the intersection of the southern right-of-way line of Interstate 40/85 and the eastern right-of-way line of Young's Mill Road; thence along said southern right-of-way line N38°00'15"E 148.71 feet to a point; thence continuing along said southern right-of-way line the following six courses and distances: 1) N76°21'15"E 184.80 feet to a point, 2) N84°29'15"E 245.86 feet to a point, 3) N05°51'15"E 26.14 feet to a point, 4) N81°38'15"E 312.85 feet to a point, 5) N83°16'15"E 2,169.63 feet to a point, 6) N82°46'15"E 366.51 feet to a point, and 7) N83°31'15"E 520.43 feet to a point, said point being the northwest corner of Country Club Communities, LLC (ACL-4-217-402N-3); thence leaving said southern right-of-way line S01°56'15"W 786.89 feet along the western line of Country Club Communities, LLC to the southwest corner of Country Club Communities, LLC; thence along the southern line of Country Club Communities N84°28'19"E 2,005.38 feet to a point on the southwestern right-of-way line of McConnell Road; said point being the southeast corner of Country Club Communities, LLC; thence along said right-of-way line the following two courses and distances: 1) S23°27'19"E 540.79 feet to a point and along a curve to the left a chord course and distance of S33°11'48"E 177.30 feet to a point; thence with the southwestern line of Henry

D. Crenshaw Heirs (ACL 4-217-367N-10) S23°27'19"E 76.63 feet to a point; thence continuing with said line S51°52'38"E 60.26 feet to a point in the northwestern right-of-way line of Hooting Hollow Road; thence along said right-of-way line S31°38'42"W 235.94 feet to a point; thence crossing Hooting Hollow Road S72°23'57"E 180.85 feet to the northwest corner of Thomas D. Reynolds (ACL-4-219-367S-13); thence S02°17'02"E 264.89 feet with the western line of Reynolds to his southwest corner; thence N88°21'54"W 16.55 feet with the northern line of John Henry Watkins (ACL 4-219-367S-5) to a point; thence continuing with said line N87°45'30"W 194.64 feet to a point; thence continuing with said line N87°28'48"W 130.80 feet to a point; thence N02°31'12"E 30.09 feet to a point; thence N87°49'11"W 1,434.77 feet along the eastward projection of the northern right-of-way line of Land Road and said right-of-way line to a point; thence along said right-of-way line along a curve to the left a chord course and distance S69°11'42"W 76.83 feet to a point; thence N87°49'11"W 650.14 feet with the northern line of Audrey M. McCollum (ACL-4-219-402S-6) to her northwest corner; thence S02°55'15"W 117.41 feet with McCollum's western line to a point, said point being the northeast corner of Kenneth D. and Laurel M. Driver (ACL-4-219-402S-11); thence N86°39'45"W 916.11 feet with Driver's northern line to Driver's northernmost corner; thence N11°23'15"E 663.64 feet to the southeast corner of James A. Byres Estate (ACL-4-219-402S-13); thence N17°43'15"E 241.57 feet to the northeast corner of Byres; thence N81°59'45"W 926.60 feet with the north line of Byres to the northwest corner of Byres; thence S20°00'15"W 296.53 feet to a point; thence S82°34'15"W 348.62 feet to the northwest corner of McCastle Coleman (ACL 4-219-402S-5), also being the northeast corner of Candace Ridge subdivision; thence N84°30'45"W 1,249.67 feet with the northern line of Candace Ridge to the northwest corner of Candace Ridge; thence N03°52'15"E 183.69 feet to the northeast corner of M. M. and Josephine Patterson (ACL 9-589-431-19); thence S84°28'15"W 424.57 feet with Patterson's northern line to a point in the eastern right-of-way line of Youngs Mill Road; thence along said eastern right-of-way line N08°31'45"W 315.58 feet to the point and place of BEGINNING, and containing approximately 145.7 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2005, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2005.

Signed Florence F. Gatten

.....

Councilmember Gatten moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District--RS-12 Residential Single Family for property located at the southeast quadrant of Interstate 40/85 and Youngs Mill Road. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Bellamy-Small.

05-18 AMENDING OFFICIAL ZONING MAP

SOUTHEAST QUADRANT OF INTERSTATE 40/85 AND YOUNGS MILL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District – RS-12 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the southern right-of-way line of Interstate 40/85 and the eastern right-of-way line of Youngs Mill Road; thence along said southern right-of-way line N38°00'15"E 148.71 feet to a point; thence continuing along said southern right-of-way line the following five courses and distances: 1) N76°21'15"E 184.80 feet to a point; 2) N84°29'15"E 245.86 feet to a point; 3) N05°51'15"E 26.14 feet to a point; 4) N81°38'15"E 312.85 feet to a point; 5) N83°16'15"E 935.56 feet to a point; thence leaving said southern right-of-way line S31°22'55"E 249.11 feet to a point; thence S49°35'27"E 338.72 feet to a point; thence S02°34'58"E 185.36 feet to a point; thence S20°00'15"W 296.53 feet to a point; thence S82°34'15"W 348.62 feet to a point; thence N84°30'45"W 1,249.67 feet to a point; thence N03°52'15"E 183.69 feet to a point; thence S84°28'15"W 424.57 feet to a point in the eastern right-of-way line of Youngs Mill Road; thence along said eastern right-of-way line N08°31'45"W 315.58 feet to a point, containing approximately 33.84 acres and shown on "Zoning Exhibit for 1301 Youngs Mill Road, 3820 & 3828 McConnell Rd" prepared by Borum, Wade and Associates, P.A. and dated Sept. 28, 2004.

Section 2. That the original zoning to Conditional District – RS-12 Residential Single Family is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to single family detached residences.
- 2) The property will be developed in a manner that one or more streets will be connected with those in the Candace Ridge development.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Florence F. Gatten

.....

Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional District-Light Industrial for property located on the south side of Interstate 40/85 between Youngs Mill Road and McConnell Road, as amended earlier in the meeting. The motion was seconded by Councilmember Gatten; the amended ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Bellamy-Small.

05-19 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF INTERSTATE 40/85 BETWEEN YOUNGS MILL ROAD AND McCONNELL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Conditional District – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the southwestern right-of-way line of McConnell and the western right-of-way line of Hooting Hollow Road; thence along said western right-of-way line of Hooting Hollow Road S31°38'42"W 233.94 feet to a point; thence crossing Hooting Hollow Road S72°23'57"E 180.85 feet to a point, said point being a corner with Thomas D. Reynolds (ACL-4-219-367S-13); thence S02°17'02"E 264.89 feet to a point; thence N88°21'54"W 16.55 feet to a point; thence N87°45'30"W 194.64 feet to a point; thence N87°28'48"W 130.80 feet to a point; thence N02°31'12"E 30.09 feet to a point; thence N87°49'11"W 1,434.77 feet to a point; thence along a curve to the left a chord course and distance S69°11'42"W 76.83 feet to a point; thence N87°49'11"W 650.14 feet to a point; thence S02°55'15"W 117.41 feet to a point, said point being a common corner of Audrey M. McCollum (ACL-4-219-402S-6) and Kenneth D. and Laurel M. Driver (ACL-4-219-402S-11); thence N86°39'45"W 916.11 feet to a point; thence N11°23'15"E 663.64 feet to a point; thence N17°43'15"E 241.57 feet to a point, said point being the northeast corner of James A. Byres Estate (ACL-4-219-402S-13); thence N81°59'45"W 926.60 feet to a point; thence N02°34'58"W 185.36 feet to a point; thence N49°35'27"W 338.72 feet to a point; thence N31°22'55"W 249.11 feet to a point in the southern right-of-way line of Interstate 40/85; thence along said southern right-of-way line the following three courses and distances: 1) N83°16'15"E 1,234.07 feet to a point; 2) N82°46'15"E 366.51 feet to a point; and 3) N83°31'15"E 520.43 feet to a point, said point being a corner with Country Club Communities, LLC (ACL-4-217-402N-3); thence leaving said southern right-of-way line S01°56'15"W 786.89 feet to a point; thence along the line of said Country Club Communities N84°28'19"E 1,391.50 feet to a point; thence S05°31'41"E 460.00 feet to a point; thence N84°28'19"E 447.39 feet to a point; thence S23°27'19"E 674.26 feet to a point in the western right-of-way line of Hooting Hollow Road; thence along said western right-of-way line N40°33'16"E 183.76 feet to a point; said point being S31°38'42"W 233.94 feet from the point of BEGINNING, containing approximately 100.66 acres and shown on "Zoning Exhibit for 1301 Youngs Mill Road, 3820 & 3828 McConnell Road" prepared by Borum, Wade and Associate, P.A. and dated Sept. 28, 2004.

Section 2. That the original zoning of to Conditional District – Light Industrial is hereby authorized subject to the following use limitations and conditions:

- 1) All those uses permitted in the Corporate Park District will be permitted except:  
Manufacturing and Industrial Uses:  
 Drugs  
 Electrical Components  
 Electrical Equipment  
 Food and Related Products, Miscellaneous  
 Furniture and Fixtures Assembly  
 Lighting and Wiring  
  
Residential Uses:  
 Shelters, Emergency  
Accessory Uses and Structures:  
 Recycling Collections Point  
Other Uses:  
 Automotive Parking  
 Christmas Tree Sales  
 Temporary Construction Offices, Construction Equipment Storage, Real Estate Sales or  
 Rental Offices (the foregoing will be permitted with concurrent building permit for  
 permanent building)  
 Temporary Events, including but not limited to: Arts and Crafts Shows, Carnivals and Fairs,  
 Concerts, Stage Shows, Conventions, Trade Shows, Outdoor Religious Events  
Other Accessory Uses and Structures:  
 Junked Motor Vehicles  
Transportation, Warehouse and Utilities:  
 Land Clearing and Inert Debris Landfills, Minor
- 2) Any outside storage shall be screened from view from any public roads or residential areas.
- 3) That within 800 feet from the southern margin of Interstate 85-40, all of the requirements of the Scenic Corridor Overlay District II shall be met.
- 4) There will be no connector road between Land Road and Southall Road.

- 5) There will be no access to Land Road from the CD-LI District.
- 6) Traffic into the CD-LI District will be by a main road off McConnell Road. Hooting Hollow Road will be used only as needed to service the lots that front that road.
- 7) A landscaped, planted berm, having an average height of five feet (5') will be incorporated into the planting yard along Land Road.
- 8) At the end of Southall Road there will be a natural and undisturbed buffer, approximately 300 feet (300') wide, starting at the property line at Southall and Castilian Way to the creek and 100 feet (100') on the other side of the creek.
- 9) The property owner will cause the existing billboard to be removed without cost to the City prior to the granting of a certificate of occupancy for the first building on the property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

.....

Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District-Highway Business for property located at the northwest quadrant of McConnell Road and Hooting Hollow Road, as amended earlier in the meeting. The motion was seconded by Councilmember Vaughan; the amended ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Bellamy-Small.

#### 05-20 AMENDING OFFICIAL ZONING MAP

#### NORTHWEST QUADRANT OF McCONNELL ROAD AND HOOTING HOLLOW ROAD

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District – Highway Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southwestern right-of-way line of McConnell Road, said point being the southeast corner of Country Club Communities, LLC (ACL-4-217-402N-3); thence S84°28'19"W 613.88 feet to a point; thence S05°31'41"E 460.00 feet to a point; thence N84°28'19"E 447.39 feet to a point; thence S23°27'19"E 674.26 feet to a point in the northwestern right-of-way line of Hooting Hollow Road; thence along said western right-of-way line N40°33'16"E 183.76 feet to a point; thence N31°38'42"E 235.94 feet to a point; thence along said southwestern right-of-way line the following two courses and distances: 1) N51°52'38"W 60.26 feet to a point; 2) N23°27'19"W 76.63 feet to a point; 3) thence along a curve to the right a chord course and distance N33°11'48"W 177.30 feet to a point; 4) N23°27'19"W 540.79 feet to the point and place of BEGINNING, containing approximately 11.21 acres as shown on "Zoning Exhibit for 1301 Youngs Mill Road, 3820 & 3828 McConnell Rd" prepared by Borum, Wade and Associates, P.A. and dated Sept. 28, 2004.

Section 2. That the original zoning of to Conditional District – Highway Business is hereby authorized subject to the following use limitations and conditions:



- 1) Uses: All those uses permitted in the Highway Business District except the following:

Junked Motor Vehicles  
Land Clearing and Inert Debris Landfills, Minor  
Bars

*Recreational Uses:*

- Billiard Parlors
- Bingo Games
- Clubs or Lodges
- Coin Operated Amusements
- Fortune Tellers, Astrologers
- Go-Cart Raceways

*Business, Professional & Personal Services:*

- Automobile Rental or Leasing
- Automobile Parking (Commercial)
- Laundromats, Coin-Operated
- Truck Driving School
- Truck & Utility Trailer Rental & Leasing, Light

*Retail Trade:*

- ABC Stores (Liquor)
- Boat Sales

*Transportation, Warehousing and Utilities:*

- Bus Terminals
- Communication or Broadcasting Facilities
- Taxi Terminals

*Other Uses:*

- Sexually Oriented Businesses

- 2) The maximum square footage of any single commercial use shall be 60,000.
- 3) Commercial uses shall be local serving (e.g. grocery stores, dry cleaners, restaurants, hotels, motels, gas station/convenience stores, personal services, and similar local serving uses). Uses that involve outdoor storage of vehicles, equipment or materials shall not be allowed.
- 4) Buildings shall be constructed substantially of brick, glass, wood, stucco or stone. Cinderblock and metal sided buildings shall not be permitted.
- 5) Developer will use variation, articulation, fenestration or signature architectural elements at a minimum of 50-foot intervals on building facades to help create the appearance of a local serving commercial development.
- 6) The property will be developed with at least one of the following: (a) The street planting yard shall be a minimum of 16' wide – additional planting rate; or (b) Entryways shall be provided consisting of a combination of signage, landscaping and/or architectural embellishments that match an architectural feature or building material of buildings; or (c) As an Integrated Multiple Use Development.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—22.51 acres at 3732 Desmond Drive and end of Chicory Lane. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural and RS-30 MH Residential Multifamily to City Zoning Conditional District—RM-8 Residential Multifamily for property located north and west of McKnight Mill Road north of the terminus of Desmond Drive and Chicory Lane.

Mr. Hails reviewed the proposal for annexation and original zoning, used a map and photographs to illustrate the property and surrounding area, read conditions contained in the proposed zoning ordinance and noted the Zoning Commission recommended approval of the zoning.

Mayor Holliday asked if anyone wished to be heard.

Diane Brigman, representing Spring Lake Development, reviewed the request for annexation and zoning, noted the conditions contained in the proposal and stated they believed the proposal was commensurate with Greensboro's land use plan.

No one spoke in opposition to the two items.

Councilmember Johnson moved to close the public hearing on the annexation and zoning items. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

After Mr. Hails stated that the Planning Department recommended approval of the annexation and original zoning requests, Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits—22.51 acres at 3732 Desmond Drive and end of Chicory Lane. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-21 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (3732 DESMOND DRIVE AND END OF CHICORY LANE – 22.51 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northeast corner of property of CP Limited Partnership, as recorded at Deed Book 4519, Page 1249 in the Office of the Register of Deeds of Guilford County, said corner also being in the south line of that satellite annexation approved by City of Greensboro Ordinance Number 04-222, with an effective date of January 31, 2005; THENCE PROCEEDING WITH THE GREENSBORO SATELLITE CITY LIMITS S 83° 14' 13" E 1,460.91 feet with the south line of David H. and Marylene F. Griffin to a point in the centerline of a creek; thence with said creek centerline the following 6 courses and distances: S 50° 31' 27" E 51.88 feet to a point, S 05° 31' 13" E 112.90 feet to a point, S 12° 13' 56" E 99.19 feet to a point, S 34° 22' 36" E 125.89 feet to a point, S 51° 56' 57" E 151.02 feet to a point, and S 14° 39' 52" E 161.20 feet to a point in the north line of Lot 2 of Sallie P. Shelton, Owner, as recorded at Plat Book 115, Page 45 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE GREENSBORO SATELLITE CITY LIMITS N 83° 24' 49" W 716.51 feet with the north lines of Lots 2 and 1 on said Shelton plat to the northwest corner of said Lot 1, said point also being the northeast corner of Lot 37 of Victory Heights, as recorded at Plat Book 13, Page 72 in the Office of the Register of Deeds; thence N 83° 29' 27" W 168.69 feet with the north line of said Lot 37 to a point; thence N 83° 29' 15" W 489.96 feet with the north lines of said Lot 37 and Lot 38 to a point; thence S 00° 37' 33" W 202.58 feet to a point in the south line of Lot 40 of Victory Heights; thence N 89° 22' 31" W 249.14 feet with the south line of said Lot 40 to a point; thence N 00° 37' 33" E 120.00 feet to a point; thence N 89° 22' 31" W 185.50 feet to a point in the west line of Lot 38 of Victory Heights, said point also

being in the east line of CP Limited Partnership; thence N 07° 30' 28" E 126.70 feet to the northwest corner of said Lot 38; thence N 03° 13' 17" E 563.51 feet with the east line of CP Limited Partnership to the point and place of BEGINNING, and containing approximately 22.51 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2005, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2005.

(Signed) Claudette Burroughs-White

.....

Councilmember Bellamy-Small moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural and RS-30 MH Residential Multifamily to City Zoning Conditional District--\$M-8 Residential Multifamily for property located north and west of McKnight Mill Road north of the terminus of Desmond Drive and Chicory Lane. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 05-22 AMENDING OFFICIAL ZONING MAP

NORTH AND WEST OF McKNIGHT MILL ROAD NORTH OF THE TERMINUS OF DESMOND DRIVE AND CHICORY LANE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-30-MH Residential Single Family to City Zoning Conditional District – RM-8 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the line of David H. Griffin and Marylene F. Griffin as recorded in Deed Book 3680, Page 828 in the Office of the Guilford County Register of Deeds, said point also being the northeast corner of CP Limited Partnership as recorded in Deed Book 4519, Page 1249; thence along the Griffin's line S83°14'13"E 1,460.91 feet to a point in the centerline of a creek; thence along said centerline of the creek the following six courses and distances: 1) S50°31'27"E 51.88 feet; 2) S05°31'13"E 112.90 feet; 3) S12°13'56"E 99.19 feet; 4) S34°22'36"E 125.89 feet; 5) S51°56'57"E 151.02 feet; and 6) S14°39'52"E 161.20 feet to a point in the line of Betty S. Permer, Lot 2, as recorded in Plat Book 115, Page 45; thence N83°24'49"W 716.51 feet to a point; thence N83°29'27"W 168.69 feet to a

point; thence N83°29'15"W 489.96 feet to a point; thence S00°37'33"W 202.58 feet to a point; thence N89°22'31"W 249.14 feet to a point; thence N00°37'33"E 120.00 feet to a point; thence N89°22'31"E 155.28 feet to a point; thence N89°22'31"E 30.22 feet to a point; thence N07°30'28"E 126.70 feet to a point; thence N03°13'17"E 563.51 feet to the point and place of BEGINNING, as shown on "Rezoning Map for Alcove Builders, Inc." prepared by Lance D. Schamback.

Section 2. That the original zoning to Conditional District – RM-8 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses shall be limited to all single family detached or attached residential uses permitted under the RM-8 zoning district.
- 2) No building shall exceed 2 stories in height as viewed from the front.
- 3) Maximum of 175 townhomes designed for sale.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) T. Dianne Bellamy-Small

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-7 Residential Single Family to Conditional District—RM-18 Residential Multifamily for property located at the southwest quadrant of Chestnut Street and East Hendrix Street. The Mayor noted this matter was being heard after receiving a vote of 4-5 by the Zoning Commission and a vote of 5-2 by the Historic Preservation Commission to recommend denial of the rezoning.

Noting this property was located in the Aycock Historic District, Mr. Hails described the request and used a map and photographs to illustrate the property and surrounding area.

Mayor Holliday asked if anyone wished to be heard.

John Mandrano, residing at 5514 Mecklenburg Road, owner of this and other properties in the area, stated this rezoning request was necessary in order for him to add two electric meters to the structure on this property during the rehabilitation process to address fire hazards and provide for tenants to pay their own expenses. He provided a history of the property and zoning activity which had resulted in the non-conforming use of this and other properties, reviewed the conditions contained in the proposed ordinance, detailed renovation plans and the need to upgrade the electrical system, provided photographs of properties in the area and presented a petition purportedly signed by area property owners in favor of the rezoning.

Lengthy discussion was held with regard to all aspects of the zoning request and the potential impact this action could have on the surrounding neighborhood.

The following individuals spoke in opposition to the rezoning.

Betsey Vaughan, residing at 114 Cypress Avenue and President of the Aycock Neighborhood Association, stated the association voted against the rezoning. She spoke to the work of the neighborhood to return these properties to Single Family zoning, and noted the recommendation of the Historic District and Zoning Commissions to deny the request. She stated she did not believe the conditions offered protection for the community.

Charles Newell, residing at 704 Cypress Street, provided a history of neighborhood, spoke to his participation in the neighborhood association, reviewed the history and zoning patterns of the neighborhood, expressed the desire that the area return to single family zoning, and noted Mr. Mandrano's efforts to make his rental properties look respectable.

Mindy McReynolds, residing at 604 Summit Avenue, stated that in her opinion it was ridiculous to require the rezoning of this property in order to add two additional meters. Speaking to the upcoming Corridor Study for Summit Avenue and the surrounding neighborhoods and to the time and money of the neighborhood to have RS-7 zoning for the area, she stated she believed this rezoning request was premature. She spoke to her experiences related to the rehabilitation of a house in the area and spoke to the quality of Mr. Mandrano's restoration.

Council discussed various opinions and concerns with respect to this particular rezoning request and other similar circumstances that might exist in the City, the desire to determine a manner in which the two additional meters could be installed without rezoning the property, aspects of the proposed zoning ordinance rewrite, the location of residents that signed the petition in favor of the rezoning, the neighborhood's efforts to return the area to single family zoning, etc.

After discussion with Mr. Hails, Council expressed concern with this process and requested Mr. Hails to explore the feasibility of alternative solutions for Council's consideration to address these types of issues.

In rebuttal in opposition, Ms. McReynolds spoke to the desire to restore historical property in the area, expressed concern with regard to parking and traffic concerns, and reiterated the neighborhood's desire to return to single family zoning for the area. She requested Council to wait until the Summit Avenue plan had been completed before making zoning changes

Councilmember Bellamy-Small moved to close the public hearing. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Hails stated the comprehensive plan supported mixed use development for the area, discussed issues related to the special circumstances involved with this rezoning request and noted the Planning Department staff recommended in favor of the rezoning request.

After additional discussion, Councilmember Burroughs-White moved to **DENY** the ordinance rezoning this property. The motion was seconded by Councilmember Phillips; the motion to **DENY** was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Johnson, Phillips and Vaughan. Noes: Bellamy-Small, Gatten, Holliday and Perkins.

(A copy of the ordinance as introduced and **DEFEATED** and other information provided, is filed in Exhibit Drawer P, Exhibit Number 3, which is hereby referred to and made a part of these minutes.)

.....

The Mayor declared a recess at 11:00 p.m.

The meeting reconvened with all members of Council present.

.....

Councilmember Bellamy-Small moved adoption of the ordinances, resolutions and motion listed on the Consent Agenda. The motion was seconded by Councilmember Johnson; the Consent Agenda was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

21-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2004-26 WITH YATES CONSTRUCTION FOR THE ELM STREET CULVERT CONSTRUCTION PROJECT

WHEREAS, after due notice, bids have been received for the construction of a new culvert and associated road widening of S. Elm-Eugene Street;

WHEREAS, Yates Construction, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,022,674.17 as general contractor for Contract No. 2004-26, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Yates Construction is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$1,022,674.17 from Account No. 441-6003-05.6019.

(Signed) T. Dianne Bellamy-Small

(A tabulation of bids for the Elm Street Culvert Construction Project is filed with the above resolution and is hereby referred to and made a part of these minutes.

.....

22-05 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL TO BURLINGTON INDUSTRIES

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, Burlington Industries is the owner of property for service to Account No. 410-0098.301;

WHEREAS, a meter reading entered resulted in a negative reading causing the new billing software to register a full reading of 9999 units which was incorrect;

WHEREAS, systems are now in place to avoid this in the future and after discussions with the customer, the city has calculated an adjustment of \$36,500 in accordance with the above mentioned Rules;

WHEREAS, it has been determined that \$16,500 represents the water rebate and \$20,000 represents the sewer rebate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill to Burlington Industries for service to Account No. 410-0098.301 by \$36,500.

(Signed) T. Dianne Bellamy-Small

.....

23-05 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF HOME DEPOT, U.S.A. FOR THE BRIDFORD PARKWAY SIDEWALK IMPROVEMENTS PROJECT

WHEREAS, in connection with the Bridford Parkway Sidewalk improvements project, the property owned by Home Depot, U.S.A., Tax Map No. 1-28-892-21 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$84,727.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$84,727.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 441-6003-19.6012 Activity #01084.

(Signed) T. Dianne Bellamy-Small

.....

24-05 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF WENDOVER SOUTH ASSOCIATES FOR THE WENDOVER & BRIDFORD INTERSECTION AND SIDEWALK IMPROVEMENTS PROJECT

WHEREAS, in connection with the Wendover & Bridford intersection and sidewalk improvements project, the property owned by Wendover South Associates, Tax Map No. 1-28-A-892-57 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$107,751.46, but due to a utility site adjustment a downward adjustment of 50% was made bringing the value to \$53,875.73, and the owner has agreed to settle for the price of \$82,500.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$82,500.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 441-6003-19.6012 Activity No. 01084.

(Signed) T. Dianne Bellamy-Small

.....

25-05 RESOLUTION APPROVING CHANGES IN THE STATE HIGHWAY SYSTEM STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF GREENSBORO

WHEREAS, in completing the annual review of State Highway System Streets with the North Carolina Department of Transportation it has been determined that approximately 6.88 miles of streets should be removed from the State Highway System.

WHEREAS, responsibility for maintenance of said streets shall be assigned to the City of Greensboro. Attached is a list of streets, which is made a part of hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREENSBORO:

That the deletions in the State Highway System streets as shown on the attached list are hereby approved and shall become effective upon approval by the North Carolina Board of Transportation.

SR #	Street Name	From	To	Length (miles)
4329	Blythewood Court	SR 4328 - Orchard Ridge Ln	End of Maintenance	0.13
2641	Bryan Park Road	SR 2526 - Summit Ave	End of Maintenance	0.47
2384	Carlson Drive	SR 1001 - Church St	End of Maintenance	0.13
2960	Corporate Park Drive	SR 2641 - Bryan Park Rd	SR 2524 - Rudd Station Rd	1.1
2607	Esterwood Road	US 29	End of Maintenance	0.2
2396	Eva Lane	SR 2394 - Sweetbriar Rd	SR 2395 - Waldorf Dr	0.1
4337	Flintrock Court	SR 4338 - Willowview Dr	End of Maintenance	0.08
2696	Fountainhead Court	SR 2695 - Fountainhead Dr	End of Maintenance	0.06
2695	Fountainhead Court	SR 4328 - Orchard Ridge Ln	SR 2689 - Summerwalk Rd	0.2
3243	Hyalyn Court	SR 3227 - Zornbrook Dr	End of Maintenance	0.12
2562	Lauderdale Road	SR 2526 - Summit Ave	End of Maintenance	0.2
2633	Lorraine Street	SR 2523 - Yanceyville St	End of Maintenance	0.1
4339	Lucas Park Drive (North)	SR 2394 - Sweetbriar Rd	End of Maintenance	0.11
2387	Lucas Park Drive (South)	SR 1001 - Church St	End of Maintenance	0.09
2490	Old Lake Jeanette Road	SR 1001 - Church St	SR 2352 - North Elm St	0.59
4328	Orchard Ridge Lane	SR 1001 - Church St	End of Maintenance	0.3
4717	River Glen Court (East)	SR 2699 - River Glen Dr	End of Maintenance	0.07
4718	River Glen Court (West)	SR 2699 - River Glen Dr	End of Maintenance	0.06
2699	River Glen Drive	SR 2689 - Summerwalk Rd	SR 4736 - Whistling Swan Dr	0.41
4735	Shannon Ridge Court	SR 2699 - River Glen Dr	End of Maintenance	0.05
4731	Spring Leaf Court	SR 2699 - River Glen Dr	End of Maintenance	0.11
2694	Summerwalk Court	SR 2689 - Summerwalk Rd	End of Maintenance	0.04
2689	Summerwalk Drive	SR 4328 - Orchard Ridge Ln	End of Maintenance	0.33
2394	Sweetbriar Road	SR 2490 - Old Lake Jeanette Rd	SR 4339 - Lucas Park Dr (North)	0.45
2959	Technology Drive	SR 2641 - Bryan Park Rd	End of Maintenance	0.29
2637	Treeview Lane	SR 2526 - Summit Ave	End of Maintenance	0.3
2395	Waldorf Drive	SR 2490 - Old Lake Jeanette Rd	SR 2396 - Eva Lane	0.28
4736	Whistling Swan Drive	SR 1001 - Church St	End of Maintenance	0.2
4338	Willowview Drive	SR 4339 - Lucas Park Dr (North)	End of Maintenance	0.17
3227	Zornbrook Drive	SR 1001 - Church St	End of Maintenance	0.14
Total Length =				6.88

(Signed) T. Dianne Bellamy-Small

.....

05-23 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS AND RECREATION GREENSBORO YOUTH COUNCIL ARTISTRY AWARDS

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:



<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5094-01.5413	Consultant Services	\$ 600
220-5094-01.5255	Rental of land and buildings	\$ 600
220-5094-01.5221	Advertising	<u>\$ 350</u>

Total		\$ 1,550
-------	--	----------

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5094-01.8620	Donations & Private Contributions	<u>\$ 1,550</u>

Total		\$ 1,550
-------	--	----------

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

.....

05-24 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF FEDERAL FORFEITURE FUNDS FOR THE PURCHASE OF A FORCE ASSESSMENT TRAINING SYSTEM SIMULATOR AND INVESTIGATIVE SURVEILLANCE EQUIPMENT

## Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3501-01.5212	Computer Software	\$ 25,000
220-3501-01.5235	Small Tools and Equipment	\$ 6,000
220-3501-01.6059	Other Capital Equipment	<u>\$140,000</u>

TOTAL:		\$171,000
--------	--	-----------

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3501-01.7104	Federal Forfeiture Funds	<u>\$171,000</u>

TOTAL:		\$171,000
--------	--	-----------

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

.....

26-05 RESOLUTION AUTHORIZING THE CONVEYANCE OF CITY OWNED LOTS IN THE OLD ASHEBORO NEIGHBORHOOD TO THE REDEVELOPMENT COMMISSION OF GREENSBORO

WHEREAS, the City is the owner of 37 lots in the Ole Asheboro neighborhood located on the Parcel List presented herewith this day;

WHEREAS, the Redevelopment Commission has included these properties as part of the Ole Asheboro Redevelopment Plan;

WHEREAS, upon conveyance of these lots from the City, the Redevelopment Commission has agreed to combine said lots with lots currently owned by the Redevelopment Commission for re-sale to one or more private developers;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sale of the above mentioned properties in the Ole Asheboro neighborhood to the Redevelopment Commission of Greensboro is hereby approved and the Mayor and City Clerk are hereby authorized to execute deeds on behalf of the City.

(Signed) T. Dianne Bellamy-Small

.....

27-05 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 15, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 5140 DUNSTAN ROAD – 100.95 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 1st day of February, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (5140 DUNSTAN ROAD – 100.95)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the southwest corner of Lot 20 of White Place, as recorded in Plat Book 37, Page 17 in the Office of the Register of Deeds of Guilford County; thence with the east right-of-way line of Arvid Drive N 03° 06' 46" E 63.18 feet to its intersection with the north right-of-way line of Burnette Drive; thence N 73° 41' 22" W 636.51 feet along said north right-of-way line to a point in the south line of Lot 27 of White Place; thence continuing with said right-of-way line S 57° 32' 52" W 88.18 feet to the southwest corner of said Lot 27; thence N 26° 36' 29" W 201.03 feet along the west line of said lot to its northwest corner; thence N 57° 36' 17" E 158.73 feet along the north line of said lot to its northernmost corner; thence with the west line of Fellowship Hall, Inc. the following bearings and distances: N 23° 06' 15" W 256.98 feet to a point, N 02° 58' 48" W 439.88 feet to a point, and N 02° 53' 56" W 971.61 feet to a point; thence with the northwest line of Fellowship Hall, Inc. along the southeast margins of Dunstan Road and the U. S. Highway 29 exit ramp the following bearings and distances: N 53° 22' 54" E 392.48 feet to a point, N 49° 52' 30" E 131.01 feet to a point, N 00° 04' 11" E 151.26 feet to a point, and N 32° 47' 59" E 201.52 feet to a point; thence with the north line of Fellowship Hall, Inc. the following bearings and distances: S 88° 47' 46" E 540.57 feet along the south

margin of Hicone Road (SR #2565) to a point, S 00° 21' 11" W 400.62 feet to a point, S 87° 28' 32" E 159.67 feet to a point, and S 87° 22' 48" E 393.00 feet to a point; thence with the east line of Fellowship Hall, Inc. the following bearings and distances: S 02° 57' 34" W 611.82 feet to a point, N 88° 19' 28" E 277.85 feet to a point, N 88° 33' 50" E 188.07 feet to a point, N 88° 05' 39" E 99.13 feet to a point, S 04° 47' 48" W 235.91 feet to a point, S 87° 42' 39" E 200.62 feet to a point, S 04° 25' 27" W 303.25 feet along the west margin of McKnight Mill Road (SR #2385) to a point, N 86° 09' 17" W 286.98 feet to a point, S 02° 08' 30" E 150.35 feet to a point, S 85° 55' 32" E 267.54 feet to a point, S 04° 36' 42" W 208.78 feet along the west margin of McKnight Mill Road (SR #2385) to a point, S 89° 42' 04" W 198.80 feet to a point, S 02° 45' 43" W 110.00 feet to a point, S 89° 51' 46" W 130.72 feet to a point, S 03° 59' 58" W 150.01 feet to a point, S 89° 58' 34" W 71.38 feet to a point, and S 04° 39' 40" W 413.26 feet to a point; thence with the south line of Fellowship Hall, Inc. the following bearings and distances: S 89° 48' 20" W 755.99 feet to a point in the east line of Lot 21 of White Place, S 03° 05' 40" W 147.56 feet to the southeast corner of Lot 20 of White Place; thence N 86° 53' 14" W 250.0 feet along the south line of said Lot 20 to the point and place of BEGINNING, being as shown on an Annexation Exhibit by Borum, Wade and Associates, and containing approximately 100.85 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2005, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, February 15, 2005 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than February 5, 2005.

(Signed) T. Dianne Bellamy-Small

.....

Motion to approve minutes of regular meeting of January 18, 2005 was unanimously adopted.

.....

Mayor Holliday introduced a resolution approving bid in the amount of \$3,196,215.95 and authorizing Contract No. 2005-001 with Blythe Construction for the resurfacing of streets project. After brief comments by the City Manager, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by

Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

28-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-01 WITH BLYTHE CONSTRUCTION FOR THE RESURFACING OF STREETS PROJECT

WHEREAS, after due notice, bids have been received for the resurfacing of 46 streets throughout the City;

WHEREAS, Blythe Construction, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$3,196,215.95 as general contractor for Contract No. 2005-01, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Blythe Construction is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$3,196,215.95 from Account No. 402-4531-01.5611.

(Signed) Claudette Burroughs-White

(A tabulation of bids for the resurfacing of streets project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

The Mayor introduced a resolution authorizing the filing and execution of a Grant Application and Grant Agreements with the North Carolina Department of Transportation (NCDOT) and the Federal Transit Administration (FTA) for Capital and Operating Assistance under The Congestion Mitigation and Air Quality (CMAQ) Program to support the implementation of the University and College Service.

Councilmember Gatten expressed appreciation to Jane Walker-Payne for her service as co-chair of the University and College Connector Service project and as Chair of the Greensboro Transit Authority. Advising that six of the seven institutions had signed letters of intent, she stated that NC A&T State University had decided not to participate at this time. She briefly spoke to the need to restructure the budget because only six institutions were participating and expressed the hope that NC A&T would participate in this service at a future time.

Jim Westmoreland, Transportation Department Director, reviewed the proposed scaled-back budget; funding sources for current capital and operating costs; level of service to participating institutions; and the future planning process and timeframe for study, coordination and implementation of the university and college service.

Council discussed individual opinions with respect to this matter; i.e., the level of transportation service offered to participating institutions and the non-participating university, the grant funding only available at this time for the start up of this service, the positive impact this action would have on the environment and air quality, the fact that the grant funds were available at this time for this service and would most likely not be available in the future which would result in a different level of future service for NC A&T if they chose to participate in the future. Discussion was also held with regard to the institutions' rationale for participation or non-participation in this project.

With regard to funds that were not used to provide this service because of the non-participating university, Mr. Westmoreland advised the funds would be reprogrammed for other appropriate uses.

Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

29-05 RESOLUTION AUTHORIZING THE FILING AND EXECUTION, AS APPROPRIATE, OF A GRANT APPLICATION AND GRANT AGREEMENTS, WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR CAPITAL AND OPERATING ASSISTANCE UNDER THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM TO SUPPORT THE IMPLEMENTATION OF THE UNIVERSITY AND COLLEGE SERVICE

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) Program was created by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), reauthorized by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), and continued in the Safe, Accountable, Flexible, and Efficient Transportation Act (SAFETEA); and

WHEREAS, it is the primary purpose of CMAQ to fund transportation projects and programs in non-attainment and maintenance areas which reduce transportation-related emissions; and

WHEREAS, Guilford County is among the CMAQ eligible counties in North Carolina; and

WHEREAS, CMAQ has made available to the City of Greensboro, funding opportunities that would provide both capital and operational assistance to the City of Greensboro for the next three (3) years; and

WHEREAS, the City of Greensboro would like to use its portion of the funding to support the University and College Service.

WHEREAS, the University and College Service will mitigate air quality issues by offering students of all participating local institutions, including NC A&T State University, UNC-Greensboro, Greensboro College, Guilford College, Bennett College, Guilford Technical Community College and Elon University with enhanced access to public transportation (GTA), and will minimize vehicular trips to and between the institutions, and within the community.

WHEREAS, the Greensboro Transit Authority Board adopted a resolution at its December 16, 2005 meeting, to accept funding from the CMAQ Program to support the implementation of a University and College Service.

WHEREAS, the City of Greensboro hereby assures and certifies that it will comply with the Federal Statutes, regulations, executive orders, the Section 5333(b) Labor Protection requirements, and all administrative requirements which relate to the application made to and the grant received from the North Carolina Department of Transportation and Federal Transit Administration; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GREENSBORO:

That the City Manager or his designee, of the City of Greensboro is hereby authorized to file and execute FTA and NCDOT grant agreements, annual and biennial applications, annual budgets and other such documents, as appropriate, on behalf of the City of Greensboro with the North Carolina Department of Transportation and Federal Transit Administration, to aid in the financing of the University and College Service.

(Signed) Florence F. Gatten

.....

Tawanna W. Maryland, residing at 1206 Summit Avenue, spoke to plans to renovate/repair portions of her house, requested Council to overrule the City's no-subordination rule and subordinate the City's second lien on her house for her lead remediation self-amortizing loan which would be forgiven in three years in order that she could refinance and use equity from the house to make repairs.

After a brief explanation by Andy Scott, Housing and Community Development Department, and lengthy Council discussion, the Mayor indicated that he would meet with appropriate members of staff, Assistant City Manager Ben Brown, Mr. Scott and the Legal Staff, to address this request and to work to develop a policy for Council's consideration for subordination of Housing and Community Development Loans.

.....

Speaking as representatives of the Homeless Prevention Coalition of Guilford County were Jackie Butler, residing at 1404 Heatherbrook Drive; Travis Compton, residing at 2422-J Lake Brandt Place; Will Dungee, residing in Sedalia, NC; and Michele Forrest, no home address provided. These individuals thanked those City departments and citizens who participated in the conduct of the January 26, 2005 point-in-time count of homeless persons and reported detailed information with regard to the count. They expressed appreciation for City funding provided to address the needs of the homeless population, spoke to the work of the Coalition, offered opinions with regard to the varied needs of the homeless community and the need for additional solutions to continue to meet the increasing needs of the homeless. The speakers spoke to the manner in which they believed assistance could be provided without monetary contributions through the giving of personal services, and provided additional information with regard to the homeless population in Guilford County.

.....

Ben Holder, 179 Scotland Ridge Drive, Winston Salem, NC, reiterated his suggestions and earlier requests with regard to the use of a street by street approach in undesirable areas of the City to identify and address criminal activity; he asked when this topic would be placed on a briefing agenda for discussion. After Mr. Holder provided information with regard to police activity on Silver Avenue, Councilmember Perkins requested the Police Department to provide information to Council as soon as possible regarding police calls, police enforcement, etc. on Silver Avenue. Additional information was also requested from other City departments; i.e., Fire, Engineering and Inspections, etc. Some members of Council mentioned that this issue might be discussed at an upcoming Council meeting and requested that this topic be added to the March Briefing agenda for presentations and discussion.

.....

Council discussed various events, items of interest, services/assistance available to citizens, including the recognition of Dr. Marilyn Miller for receiving a distinguished service award for dedicated service to the Greensboro Library system.

.....

Councilmember Vaughan moved that Rosemary Ponton be appointed to serve a term on the Parks and Recreation Commission in the position formerly held by Cheryl Collins; this term will expire 15 August 2007. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

.....

Councilmember Johnson added the following names to the boards and commissions data bank for consideration for future service in their respective areas of interest: Russell Robinson, Airport Authority; Mildred O. Tucker, Parks and Recreation Commission and the Community Resource Board; Tammy Waters, Historic Preservation Commission; and Cassandra D. Robinson, Commission on the Status of Women and Human Relations Commission.

Councilmember Johnson advised that during her absence earlier in the meeting she had represented the City Council at the Sit-In Movement organization's 45<sup>th</sup> Anniversary banquet.

.....

After Councilmember Burroughs-White introduced and read into the minutes the following motion in support of the 45<sup>th</sup> anniversary gala celebration and cornerstone dedication for the International Civil Rights Center and Museum, Councilmember Johnson moved its adoption. The motion was seconded by Councilmember Bellamy-Small; the motion was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

Whereas, City Council adopted a resolution in January, 2000 commemorating the 40<sup>th</sup> anniversary of the Woolworth Sit-In.

Whereas, at that time it was determined that the week of January 30 of each year would be set aside to commemorate this important event in our history;

Whereas, on February 1, 2005, the 45<sup>th</sup> Anniversary Gala Celebration and cornerstone dedication for the International Civil Rights Center and Museum will be held and the City is in support of this celebration;

NOW, THEREFORE, it is hereby moved that the City of Greensboro acknowledges the birth of the Civil rights sit-in movement on February 1, 1960 and states its celebration of that event and the cornerstone dedication for the International Civil Rights Center and Museum.

.....

Upon motion of Councilmember Bellamy-Small, seconded by Councilmember Gatten, the Council voted to co-sponsor this event through the provision of specific City services.

.....

Councilmember Carmany provided an update with respect to ozone and PM2.5 designations for air quality which had been prepared by Ginger Booker, Assistant Director of the Piedmont Triad Council of Governments.

.....

Mayor Holliday added the name of Rhoda P. Randolph to the boards and commissions data bank for consideration for future service on the Greensboro Transit Authority.

.....

Councilmember Bellamy-Small moved that the City Council adjourn. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 12:35 A.M. on February 2, 2005.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

\*\*\*\*\*